



W.P. Crl(MD) No. 99 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P. Crl. (MD) No.99 of 2025

Saravanadass

... Petitioner

Vs

1.The Branch Manager,
Tamil Nadu Mercantile Bank Limited,
Ramanathapuram.

2.The Inspector of Police,
Jainagar Police Station,
Koderma District,
Jharkand.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to defreeze the petitioner's current account in Account No.131539500263063 at Ramanathapuram Branch on the basis of the petitioner's representation dated 21.05.2025.

For petitioner : Mr.K.Neethimohan



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For R-1 : Mr.N.Dilipkumar,
For R-2 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

This Writ Petition is filed for a Writ of Mandamus to direct the respondents to defreeze the petitioner's Current Account bearing Ac / No.131539500263063 in the Tamilnadu Mercantile Bank Limited, Ramanathapuram Branch, on the basis of the petitioner's representation dated 21.05.2025.

2. The facts leading to the filing of the petition are as follows:

(a). The petitioner is running a petrol bank and having a current account in account bearing Account No.131539500263063 in the Tamil Nadu Mercantile Bank Limited, Ramanathapuram Branch.

(b). On 07.05.2025, the petitioner came to know that his account had been frozen and on enquiry, the Bank informed him that a sum of Rs.4,000/- and Rs.1,000/- has been credited to the account of the petitioner and those



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transactions were treated as suspicious, the account was frozen at the instance of the Jharkand State Police / second respondent herein.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not an accused in any criminal case; that even assuming that there were two suspicious transactions, namely, the credit of Rs.4,000 and Rs.1,000/- respectively, the act of the first respondent in freezing the entire account is illegal and violates the fundamental rights of the petitioner; that pursuant to the alleged communication sent by the second respondent / Jharkand State Police though the first respondent was obliged to obey the directions. However, the first respondent ought to have informed the petitioner about the communication and the action taken thereon; and that having failed to do so, has breached the contract with the petitioner.

4. Per contra, Mr.N.Dilipkumar, learned counsel appearing for the first respondent would submit that the account of the petitioner was frozen on the basis of the communication from the second respondent stating that there were two suspicious transactions namely the credit of the amounts referred to above.



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He has also produced computer-generated forms, in which, the communication sent by the second respondent regarding the action taken by the first respondent is mentioned. In the said forms, it is seen in the remarks column, that a “lien was marked for DA Rs.4000/-” and similarly for Rs.1,000/- in respect of the other transaction.

5. It is seen that the notice sent to the second respondent has not been served so far. In the light of the light of the above facts and in view of the order, this Court proposes notice to the second respondent can be dispensed with.

6. On perusal of the records, it is clear that there is nothing on record to show that the second respondent had requested the first respondent to freeze the entire account. Even according to the first respondent, only a lien was marked for Rs.4,000/- and Rs.1,000/-. However, the learned counsel appearing for the petitioner would submit that the entire account was frozen and the petitioner is unable to operate the account.



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7. It is seen that in similar circumstances, this Court had observed that when the alleged fraudulent amount is quantified, the freezing of the whole account cannot be done by the Bank. Similar view was taken by the learned Single Judge of this Court in W.P.(MD).No.15684 of 2024 dated 15.07.2024, wherein, it was held that:

“3. The respondent is permitted to retain the aforesaid sum by marking lien on the petitioner's account. Subject to such marking of lien, the petitioner is permitted to operate their bank account. The freezing effected on the petitioner's bank account is lifted to the aforesaid extent. This writ petition stands allowed . No costs. Consequently, connected miscellaneous petitions are closed.”

8. Accordingly, this writ petition is disposed of on the following directions:

- (a). The first respondent / Bank shall mark a lien only for a sum of Rs.5,000/- (Rs.4,000/- + Rs.1000) and permit the petitioner to operate the account forthwith:
- (b). The petitioner is at liberty to move the concerned Jurisdictional



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Magistrate for recall of the lien marked over the said amount of Rs.5,000/- (Rs. 4,000/- + Rs.1000), if he is so advised.

9. Before parting with this case, this Court also would like to make the following observations:

There are several petitions filed by persons whose accounts have been frozen by the Banks without any prior intimation or information. In most of the cases, the account holders are not accused of any criminal offence. They are only recipients of money sent by certain persons who may not be accused of any offence, or by persons who themselves had received money from the accused persons. The persons whose account are frozen are often not even aware of the reasons for such action. Therefore, whenever the Bank receives a communication from the Investigating Officer, it shall act strictly in accordance with the contents of such communication and shall not freeze the entire account unless specifically directed. In all such cases whenever any action is taken by the Bank, the Branch Manager shall forthwith communicate to the account holder both the communication received from the Investigating Officer and the action taken by the Bank, so as to enable the account holder to seek appropriate remedy.

10. With the above observations and directions, this Writ Petition is



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Index : Yes / No
Internet : Yes / No
TSG

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To

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Ramanathapuram.
2. The Inspector of Police,
Jainagar Police Station,
Koderma District,
Jharkand.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai

SUNDER MOHAN, J.



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